

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
February 7, 2007

PRESENT: Chair Reed, Members Cortese, Constant, Chirco

ABSENT:

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Les White, Redevelopment Agency Executive Director Harry Mavrogenes, Agenda Services Manager Nadine Nader, and Redevelopment Agency Liaison Gary Miskimon.

**A. City Council**

**1. Review New Add Items to the February 13, 2007 Agenda**

Action: The Committee approved the following addition to the February 6, 2007 City Council Agenda:

a. **Council Appointee Requests**

- Planning Commission Interviews. (City Clerk)  
To be heard not before 3:30 p.m.

**2. Review February 20, 2007 Draft Agenda**

None-Meeting Cancelled

**B. Redevelopment Agency**

**1. Review New Add Items to the February 13, 2007, Agenda**

There were no additional items for the January 13, 2007 Redevelopment Agency agenda.

**2. Review February 20, 2007 Draft Agenda**

None-Meeting Cancelled

**3. List of Reports Outstanding**

There were none.

**C. Legislative Update**

**1. State**

**a. Overview of the City's Legislative Process for Determination of Official City Positions on State and Federal Issues.**

Documents Filed: Memorandum from Betsy Shotwell, Director of Intergovernmental Relations, dated February 1, 2007 recommending (a) acceptance of staff report outlining the City's process for review and analysis of proposed State and Federal legislation; (b) provide direction in the Rules and Open Government Committee's role in the City's legislative process.

Discussion: Chair Reed remarked that he would like a list of the top ten (10) legislative priorities of the City as a reference tool. Betsy Shotwell said she would provide this information to the full Council as part of the City Manager's Weely Report.

Vice Chair Cortese commented on the Committee's role in the legislative process and suggested that the Committee discuss how to engage all Councilmembers. He asked Staff to recirculate a 2002 Council Memorandum authored by himself and former Councilmember Pat Dando regarding intergovernmental relations.

Action: The committee agreed to have staff return to the Rules and Open Government Committee on February 28, 2007 outlining the City's legislative process for determining official City positions on bills or fiscal matters and the Committee's role in the legislative process. Staff agreed to attach the 2002 Council Memorandum referenced by Vice Chair Cortese.

**2. Federal**

None

**D. Meeting Schedules**

**1. Setting a Hearing for spring 2007 for General Plan Amendments and Initiating the Re-establishment of a fall Annual Review of the General Plan.**

Documents Filed: Memorandum from Joseph Horwedel dated February 1, 2007 recommending that the Rules and Open Government Committee 1) set a General Plan City Council hearing for the evening of April 17, 2007 continuing to the evening of April 24, 2007; and 2) forward a recommendation to the full City Council to initiate a General Plan text amendment to re-establish the fall hearing for the Annual Review of the General Plan by City Council for proposed General Plan amendments that raise major policy issues as defined in this memorandum.

Public Comment: Gerry DeYoung (Development Review Committee, Chamber of Commerce) and Beverly Bryant (Home Builders Association) expressed their opposition to reducing the number of general plan hearings each year. Eric Morely, Morely Brothers LLC, issued concern about a project in the “pipeline” and how changes in the process might negatively impact that project.

Bonnie Mace and Kerri Hamilton spoke in favor of the recommendation to re-establish an annual process for General Plan Amendments.

Discussion: Vice Chair Cortese recommended deferral of a decision on Recommendation #2 and further discussion of “pipeline” projects. He also requested staff come back with a tentative schedule of dates for General Plan Hearings in April-May.

Action: The Committee asked staff to return to the Rules and Open Government Committee on February 28, 2007 with an updated meeting schedule and deferred for three weeks the discussion of Recommendation #2.

**E. The Public Record**

Documents Filed: Memorandum from the City Clerk dated February 2, 2007 transmitting the Public Record for the week of January 26 – February 1, 2007.

Captain Gary Kirby San Jose Police Department, provided an update on the on the American Civil Liberties Union (ACLU) Public Records Act request for crime reports and the explained process the Department followed to respond. Committee questions followed. City Attorney Rick Doyle noted that the Sunshine Reform Task Force will be conducting a public hearing on Police Department public records on Saturday, February 24, 2007. He proposed that the committee may want to review this issue after the public hearing.

Action: The Committee agreed to wait for a status report from the Sunshine Reform Task Force. No action taken.

**F. Appointments to Boards, Commissions and Committees**

**1. Appointment to the Project Diversity Screening Committee.**

Action: Deferred to February 14, 2007.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Recommend acceptance of the Redevelopment Agency’s Horizon Report for the first half of 2007.**

Documents Filed: (1) Memorandum from Harry S. Mavrogenes, Executive Director, dated February 1, 2007 transmitting the Redevelopment Agency’s Horizon Report for February – June 2007.

Action: The Committee approved the RDA's Horizon Report.

**2. Addition to the City Auditor's 2006-07 Work Plan to Review Resources for Families and Communities Financial information.**

Documents Filed: Memorandum from Richard Doyle, City Attorney, dated January 29, 2007 recommending that the City Auditor add to its 2006-07 work plan a review of the financial information of Resources for Families and Communities.

Action: The Committee agreed to defer the item to February 14, 2007.

**H. Review of Significant Public Records Act Requests**

**I. Review of Council Policy Updates per Sunshine Reforms (PIR #12)**

**J. Open Forum**

Bill Chew commended Mayor Reed for chairing the Rules and Open Government Committee and for taking his Mayoral role seriously.

Brian Boxall, President of the Association of the Mentally Retarded at Agnews, voiced opposition to the State's proposal to convert the Agnews Development Center to a State Prison.

**K. Adjournment**

The meeting was adjourned at approximately 3:40 p.m.

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Chuck Reed, Chair  
Rules and Open Government Committee